

APPROVAL FOR CONSTRUCTION

THE PLANS AND SPECIFICATIONS FOR SEWAGE OR WASTE DISPOSAL SYSTEM SUBMITTED FOR:

APPROVAL # 112630

Owner:

Evergreen of Rye
261 Central Road
Rye, NH 03870

LOT NUMBERS:
SUBD. APPLICANT #:
SUBD. NAME:

Copy of Plan & Approval sent to:

TYPE OF SYSTEM: 2000 gal. holding tank

Joseph May, BI
Town Office
Rye, NH 03870

TOWN/CITY LOCATION: Rye, NH

STREET LOCATION: Central Rd.

By Applicant: PERMIT # 348

Anne W. Bialobrzewski
247 Landing Road
Hampton, NH 03874

PLEASE POST IN A CONSPICUOUS PLACE DURING CONSTRUCTION.

THIS APPROVAL DOES NOT SUPERCEDE ANY EQUIVALENT OR MORE STRINGENT LOCAL ORDINANCES OR REGULATIONS. STATE STANDARDS ARE MINIMAL AND MUST BE MET STATEWIDE.

WHITE= Applicant's; YELLOW= Town's; BLUE= NHWS&PCC file; GOLD= Owner's - (No Action Required)

NOTE: (XX) Gravity system () Holding tank. Gravity system to septic tank and effluent pump chamber with disposal system to be constructed on a properly prepared base.

Bed bottom to be set: () no deeper than " below the original grade

() no less than " above the original grade

() no lower than the original grade

to maintain () ' minimum above (the reported) (any) seasonal high water table.

() ' minimum above (the reported) (any) ledge depth.

() ' minimum above (the reported) (any) impermeable soil.

() Fill to prepare disposal area should be a medium to coarse sand (0.5 to 1.0 mm).

() This approval only valid for the above owner's domicile/exemption.

CONDITIONS:

A holding tank is approved for this existing dwelling. This lot is judged unsuitable for subsurface waste disposal by the designer. Waste to be held in the tank, and pumped out, as required, by a licensed pumper. No discharge will be permitted. This building is restricted to current use. No addition to the structure can be permitted. A copy of this approval and attached conditions to be included in the deed for this property so as to run with the land.

See plan for specific conditions.

ADVISE YOUR CONTRACTOR OF REQUIRED CHANGES IN PLANS AS INDICATED ON THIS CONDITIONAL APPROVAL.

are approved this date:

April 30, 1984

By:

W E Evans (G.O.)

William E. Evans

vcg N.H. Water Supply & Pollution Control

Revised 8/1/80

Commission Staff

(OVER)

TOWN INSPECTOR: J. MAY

PERC TEST DATE: 1/24/84

RESULT: ESTIMATE > 60 MIN IN ORIGINAL SOIL

DESIGN LOADING 100 GPD BASED ON MAX 5 EMPLOYEES

ESTIMATED AVERAGE USE TO BE LESS THAN 50 GPD

(PROPOSED LAVATORY FOR EMPLOYEE USE ONLY)

APPLICANT

DISPOSAL SYSTEM PLAN

REVIEWED AND APPROVED IN ACCORDANCE WITH THE REQUIREMENTS OF THE

NEW HAMPSHIRE

WATER SUPPLY & POLLUTION

CONTROL COMMISSION

Signed

Date

OWNER: EVERGREEN OF RYE

261 CENTRAL ROAD

RYE, NH 03870

APPLICANT ANNE W. BIALOBRZESKI

247 LANDING ROAD

HAMPTON, NH. 03842

DESIGNER PERMIT #348

DATE: 1/30/84

Designer

of

Subsurface Disposal

Systems

Ann W. Bialobrzewski

No. 348

Supply & Pollution

Control

LAW OFFICES
BOYNTON, WALDRON, DOLEAC, WOODMAN & SCOTT, P.A.
P.O. BOX 418 - 82 COURT STREET
PORTSMOUTH, NEW HAMPSHIRE 03801-0418
AREA CODE 603 436-4010

MEMBERS OF
NEW HAMPSHIRE BAR:
WYMAN P. BOYNTON
JEREMY R. WALDRON
CHARLES B. DOLEAC
RALPH R. WOODMAN, JR.
WILLIAM G. SCOTT

DAVID K. FULTON
PATTI BLANCHETTE
VICKI S. ROUNDY
OTTO G. MATHEKE, III

Anne W. Bialobrzeski
247 Landing Road
Hampton, NH 03842

Jeffrey Geraghty
Evergreen of Rye
261 Central Road
Rye, NH 03870

Dear Ms. Bialobrzeski & Mr. Geraghty:

Enclosed please find a motion for reconsideration and a letter which have been drafted by Attorney Scott, but which he has not yet had an opportunity to review. Would you please review these carefully, and get back to Mr. Scott at your earliest convenience, with your comments regarding same, at which time the motion can be filed with the State.

Very truly yours,

Doris Maloof

Doris Maloof
Secretary to
William G. Scott

WGS:DM

Encs.

MEMBERS OF
MAINE BAR:
CHARLES B. DOLEAC
DAVID K. FULTON

March 26, 1984

N.H. Water Supply
and Pollution Control Commission
P.O. Box 95
Concord, New Hampshire 03301

Attn: William Evans

Re: Evergreen of Rye

Dear Mr. Evans:

Please be advised the writer represents Jeffrey Geraghty and Judith Fudge, d/b/a Evergreen of Rye, relative to their recent application to install a holding tank upon their business premises located at 261 Central Road, Rye, New Hampshire. Pursuant to this matter, I am enclosing a Motion for Re-consideration of the application which was denied on March 16, 1984.

If anything further is required, including our personal appearance, we would be more than willing to do so. We would also request that a personal inspection of the premises be made to view the location, prior to any negative determination being made.

Very truly yours,

WGS:DM

Enc.

William G. Scott

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March 26, 1984

MEMBERS OF
MAINE BAR:
CHARLES B. DOLEAC
DAVID K. FULTON

STATE OF NEW HAMPSHIRE
Water Supply and Pollution Control Commission

JEFFREY GERAGHTY & JUDITH FUDGE
d/b/a EVERGREEN OF RYE

MOTION FOR RE-CONSIDERATION

NOW COME Jeffrey Geraghty and Judith Fudge, husband and wife, and d/b/a Evergreen of Rye, and hereby move for re-consideration of a denial of their application to install a holding tank upon their business premises located at 261 Central Road, Rye, New Hampshire, and respectfully state:

1. That the applicants are the recent purchasers of the above described premises.
2. That the premises are used for a greenhouse, flower shop, garden shop and shrubbery sales purposes.
3. That this building was constructed in 1977 by the applicant's predecessor in title, and has been used since that date for purposes similar to that of the applicant.
4. That prior to the construction of the present building in 1977, there was a prior building, and from 1960, the same type of business was operated upon these premises.
5. That the applicants will have between two and five employees on the premises (including the applicants) at any one time.
6. That the use of the toilet will be minimal, and the premises will not be used for residential purposes, and the discharge will be minimal.
7. That the denial of the application dated March 16, 1984 referred to the fact that the soil was not suitable and this was the reason for submitting a plan with a sealed holding tank for a system.
8. That the applicant will install said system in conformance with all rules, regulations and restrictions of the Commission, including said tank being waterproofed and equipped with an alarm system.
9. That this motion for re-consideration is made pursuant to the authority of this Commission to waive its Rule #1024.04, as the literal interpretation of this rule would impose an undue hardship upon the applicants.

10. That the applicants have acted in good faith, and were not responsible for the construction of the within building, and are merely attempting to comply with the laws of the State of New Hampshire, including R.S.A. 147:8, which requires places of business of the type as operated herein, since approximately 1960, to have adequate toilet facilities upon the premises.

11. That there is probably not a proper location for the construction of a loading area upon the applicants' property, and if a location could be found upon the property, it would create an undue hardship, by rendering land necessary to the applicants' business unusable for the business.

12. That the use of a properly constructed holding tank would be consistent with the purpose of R.S.A. 149-E, to wit: the protection of water supplies and surface waters.

WHEREFORE, the applicants respectfully request:

- A. That the requirements of Administrative Rule #1024.04 be waived.
- B. That this Commission impose such restrictions as would be consistent with the spirit and intent of R.S.A. 149-E and its Administrative Rules.
- C. That a personal inspection of the premises be made.
- D. For such other and further relief as would be fair and reasonable.

Respectfully submitted,
Jeffrey Geraghty
& Judith Fudge
by their attorneys,
BOYNTON, WALDRON, DOLEAC,
WOODMAN AND SCOTT, P.A.

By: William G. Scott

Dated: March 26, 1984

KNOW ALL MEN BY THESE PRESENTS, That GREEN VELVET LANDSCAPE COMPANY, INC., a New Hampshire Corporation, of 261 Central Road, Rye, County of Rockingham and State of New Hampshire

62458 P1083

for consideration paid, grants to Jeffrey M. Geraghty and Judith A. Fudge of Ten Virmar Court, Rye, County of Rockingham and State of New Hampshire,

with warranty covenants to the said Jeffrey M. Geraghty and Judith A. Fudge,

as joint tenants with rights of survivorship.

A certain parcel of land with the buildings thereon located on the westerly side of Central Road in Rye, County of Rockingham, State of New Hampshire, bounded and described as follows:

Beginning at a point in the westerly sideline of Central Road at land of the heirs of Ervin C. Philbrick, thence running North 64° 25' West along a stone wall by land of said Philbrick heirs 361.7 feet, more or less to the intersection of stone walls at land of said Philbrick heirs, thence turning and running North 9° 13' East along another stone wall by land of said Philbrick heirs 191.4 feet to a point, thence turning and running South 56° 14' East by land of George and Mary Philbrick 252.4 feet to a point, thence running South 53° 47' East by land of George and Mary Philbrick 200.0 feet to a point in the westerly sideline of Central Road, thence turning and running South 41° 05' West along said westerly sideline of Central Road 115.0 feet to the point of beginning.

Said parcel formerly consisting of two parcels of land, the first being the same premises conveyed to the Grantor by deed of Gordon E. Gaskell and Elizabeth P. Gaskell recorded in Rockingham County Registry of Deeds at Book 2201, Page 0676, and the second parcel being the same premises conveyed to the Grantor by deed of George and Mary Philbrick recorded in Rockingham County Registry of Deeds at Book 2216, Page 0675.

See Plan of Land, Rye, New Hampshire for George O. and Mary Philbrick, dated November 1973, Revised December, 1973, John W. Durgin C.E., recorded in Rockingham County Registry of Deeds.



Witness its hand and seal this 29th day of August, 1983

By: *James F. Piper, Jr.* President
James F. Piper, Jr. President

GREEN VELVET LANDSCAPE COMPANY, INC.

State of New Hampshire
ROCKINGHAM ss.:
Aug. 29 A.D. 1983

Personally appeared James F. Piper, Jr., President of GREEN VELVET LANDSCAPE COMPANY, INC. known to me, or satisfactorily proven, to be the person subscribed to the foregoing instrument and acknowledged that for the purposes therein contained.

Before me, *Nicholas Alexander* Justice of the Peace - Notary Public

Know all Men by these Presents:

THAT Jeffrey M. Geraghty and Judith A. Fudge, husband and wife, of Virmar Court, Rye, County of Rockingham, State of New Hampshire, ~~XXXXXX~~ for no consideration, grant to the same Jeffrey M. Geraghty and Judith A. Fudge, with warranty covenants to the said Jeffrey M. Geraghty and Judith A. Fudge, as joint tenants with rights of survivorship, the following described real estate:

A certain parcel of land with the buildings thereon located on the westerly side of Central Road in Rye, County of Rockingham, State of New Hampshire, bounded and described as follows:

Beginning at a point in the westerly sideline of Central Road at land of the heirs of Ervin C. Philbrick, thence running North 64-25 West along a stone wall by land of said Philbrick heirs 361.7 feet, more or less, to the intersection of stone walls at land of said Philbrick heirs, thence turning and running North 09-13 East along another stone wall by land of said Philbrick heirs 191.4 feet to a point, thence turning and running South 56-14 East by land of George and Mary Philbrick 252.4 feet to a point, thence running South 53-47 East by land of George and Mary Philbrick 200.0 feet to a point in the westerly sideline of Central Road, thence turning and running South 41-05 West along said westerly sideline of Central Road 115.0 feet to the point of beginning.

Being the same premises conveyed to the above named grantors/grantees by deed of GREEN VELVET LANDSCAPE COMPANY, INC., recorded in Rockingham County Registry of Deeds as Book 2458 Page 1083. The purpose of this deed is to document the following restrictions imposed on owners of the subject premises by the New Hampshire Water Supply and Pollution Control Commission as conditions for approval of a holding tank disposal system on the lot: Septic Waste will be held in tank and pumped out as required by a licensed pumper. No discharge will be permitted. This building is restricted to current use. No expansion of loading beyond 100 gallons per day (as stipulated on the approved plan) can be permitted. Pump receipt records will be kept on file by the owner of the property.

(wife of said grantor, release to said grantee all right of (husband

(dower and homestead and other interests therein. (curtesy

Witness hand and seal this day of , 19

WITNESS: